IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION.

CRIMINAL WRIT PETITION NO.2984 OF 2005

Mr.Mukesh J. Vora : Petitioner.

versus

1] The State of Maharashtra

2] Mr.Harish Devji Ruparel : Respondents.

Mr.Rajiv Sawant with Mr.Kocharekar i/by Rajiv & Associates for the petitioner.

Smt.U.V.Kejariwal, APP, for the State.

Mr. B.Joseph for respondent No.2.

CORAM : D.G.DESHPANDE &

V.M.KANADE, JJ.

DATED : 12th December 2005.

ORAL ORDER

1. Advocates for the petitioner and Respondent No.2 are present with their respective parties. The petition is for quashing the FIR regarding offences under Sections 409, 418, 420 r/w 34 of the Indian Penal Code. Both the petitioner and Respondent No.2 have filed consent

terms and prayed for quashing of FIR. They have also relied upon the judgment of Supreme Court reported in **AIR 2003 Supreme Court 1386 [B.S.Joshi and others v. State of Haryana and another]** wherein in para 15 the Supreme Court holds as :-

> "In view of the above discussion, we hold that the High Court in exercise of its inherent powers can quash criminal proceedings or FIR or complaint and Section 320 of the Code does not limit or affect the powers under Section 482 of the Code."

The consent terms are duly signed by the petitioner, respondent No.2 and their respective advocates. The consent terms are taken on record and marked "X" for identification. Undertakings are accepted. In view of the consent terms and the judgment of Supreme Court, referred to above, this petition is allowed in terms of the consent terms. The FIR is quashed. Petition is disposed of accordingly. Certified copy expedited.

[D.G.DESHPANDE,J]

[V.M.KANADE,J]